

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
:  
ABDELLAH BOUZZI, LUIS GUAMAN, RAUL  
:  
ECHEVARRIA, YOLANDA CASTRO, MARIO  
:  
RAMALEZ, GUBELKIS CASTRO, JAMIE  
:  
PAREDES, ROLANDO LIRIANO, NOE  
:  
VARGARA-CAMPOS, MILDRED SANTANA,  
:  
and OSCAR CARRANZA on behalf of themselves  
:  
individually, and on behalf of all similarly situated  
:  
employees,  
:

Plaintiffs,

- against -

:  
F & J PINE RESTAURANT, LLC, d/b/a THE  
:  
PINE RESTAURANT GROUP and/or THE PINE  
:  
RESTAURANT; THE PINE RESTAURANT  
:  
GROUP; THE PINE RESTAURANT; 4AKIDS,  
:  
LLC; A&C PINE PROPERTIES; F&J PINE  
:  
RESTAURANT; PINE RESTAURANT OF  
:  
QUEENS; CHARLES ROSE, in his official and  
:  
individual capacities; ANTHONY BASTONE, in  
:  
his official and individual capacities; and DOES 1-5  
:  
d/b/a THE PINE RESTAURANT,  
:

Defendants.  
:  
-----X

Case No. 10 CV 0457  
(DLI)(CLP)

**DECLARATION OF  
SCOTT B. GILLY**

SCOTT B. GILLY, an attorney duly admitted to practice in the State of New York,  
hereby declares the following under penalty of perjury to be true:

1. I am a founding partner of Thompson Wigdor & Gilly LLP, attorneys for Plaintiffs in this matter. I submit this declaration in support of Plaintiffs' motion for (1) preliminary certification of a collective action pursuant to the Fair Labor Standards Act; (2) an order directing Defendants to provide Plaintiffs with the names, last known addresses, telephone numbers, email addresses, and Social Security numbers of putative collective action members;

and (3) an order authorizing Plaintiffs' counsel to advise such collective action members of the pendency of this action and their opportunity to participate in it.

2. Attached as Exhibit A are Plaintiffs' proposed Notice of Pendency and Plaintiff Consent Form.

3. Attached as Exhibit B is a true and correct copy of Plaintiffs' Amended Complaint in this matter that was filed on January 18, 2011.

4. Attached as Exhibit C is the Affidavit submitted by Defendant Anthony Bastone in support of Defendants' Motion for Judgment on the Pleadings and to Dismiss, which has been denied in its entirety.

5. Attached as Exhibit D are redacted W-2 Wage and Tax Statements for Plaintiffs Abdellah Bouzzi, Mario Ramalez, and Oscar Carranza.

6. Attached as Exhibit E are copies of the bank records illustrating A&C Properties, Inc.'s monthly checking account activity from January 31, 2010 and February 28, 2010.

7. Attached as Exhibit F are W-3 Transmittal of Wage and Tax Statements for A&C Pine Properties from 2008 and 2009.

8. Attached as Exhibit G are copies of Pine Queens correspondence, sent from an employee at the Pine Bronx address.

9. Attached as Exhibit H are copies of the payroll records for Abacu Medina, Rafael Robles, and Javier Jimenez.

10. Attached as Exhibit I are copies of the catering, dinner, and take out menus of Pine Bronx and Pine Queens.

11. Attached as Exhibit J are copies of the business cards of Charles Rose for Pine Queens and Anthony Bastone for Pine Bronx.

Dated: New York, New York  
February 11, 2011

  
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Scott B. Gilly